

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

FILED
HORRY COUNTY
2000 MAR 24 AM 8:33
ORDINANCE 11-00
R.M.C.

AN ORDINANCE ESTABLISHING THE ARCADIAN SHORES SPECIAL TAX DISTRICT AND PROVIDING FOR ITS OPERATION.

WHEREAS, at least fifteen (15) percent of the electors in the proposed Arcadian Shores Special Tax District petitioned Horry County Council, pursuant to State law, for the formation of a Special Tax District for the purpose of providing funds for general public works including sewage collection and treatment, the maintenance and paving of roads in the district, signage, road drainage, lighting, maintenance of waters of Lake Arcadia and common areas, sidewalk construction and maintenance, public safety, disaster preparedness and clean-up, beautification, costs of administration, and insurance; and

WHEREAS, subsequent to the aforementioned petition, the Horry County Council passed a resolution dated June 22, 1999, calling for a special election to be held; and

WHEREAS, the Horry County Election Commission has certified the results of the election held December 14, 1999, said results being that a majority of those voting were in favor of establishing the Special Tax District; and

WHEREAS, Horry County Council has published the results of that election in a resolution dated February 1, 2000, in compliance with Section 4-9-30(5)(a)(i) of the South Carolina Code of Laws; and

WHEREAS, Section 4-9-30(5)(b), South Carolina Code of Laws, requires County Council to pass an Ordinance establishing the Special Tax District approved by the voters and to provide for the operation of the Special Tax District.

NOW, THEREFORE, PURSUANT TO THE AUTHORITY GRANTED BY THE CONSTITUTION AND THE GENERAL ASSEMBLY OF THE STATE OF SOUTH CAROLINA, BE IT ORDAINED BY THE COUNTY COUNCIL FOR HORRY COUNTY:

SECTION 1. BOUNDARIES.

The Arcadian Shores Special Tax District is hereby created and shall be that area of real property more fully set out on Exhibit "A" attached hereto and incorporated herein by reference.

SECTION 2. COMMISSION CREATED; TERMS, ETC.

- A. There is hereby created a Commission composed of five (5) members who shall be appointed by Horry County Council upon receipt of nominations from the Arcadian Shores Special Tax District and who shall hold office for a term of four (4) years, on a staggered basis, until their successors have been appointed and qualified. There shall be at least one annual meeting of the freeholders of the Arcadian Shores Special Tax District, at which meeting the freeholders of the district shall nominate the Commission

members. Horry County Council shall designate three (3) Commissioners to serve an initial term of two (2) years and two (2) Commissioners to serve an initial term of four (4) years. Thereafter, all Commissioners shall serve for four (4) year terms. Notwithstanding any other provision of this Ordinance, the terms of the Commissioners initially appointed shall extend to and expire on June 30 of last year of their appointed term.

- B.** The five (5) Commissioners shall be resident freeholders within the boundaries of the district.
- C.** The Commission shall be known as "Arcadian Shores Special Tax District Commission." The members of the Commission shall select a Chairman, Vice-Chairman, Secretary and Treasurer, which officers shall serve for a period of one (1) year from the date of their respective appointments and may be reappointed by the Commission should their term as Commissioner extend beyond the one (1) year appointment. Notwithstanding any other provisions of this Ordinance, the terms of the officers initially appointed shall extend to and expire on the June 30 immediately following the one-year anniversary of their election as officers. In the event of death or resignation of any Commission member, the remaining Commission members shall, subject to County Council approval, have power of appointment of a successor, who shall be a resident freeholder within the boundaries of the tax district and who shall serve the remainder of the term. All official documents shall be signed by the Chairman and attested by the Secretary, except that all disbursements shall be signed by the Treasurer.
- D.** The Commission members shall serve without pay and shall file with Horry County Council a component unit financial statement, audited by a Certified Public Accountant, no later than September 30 of each year, showing all activities and disbursements during the most recently ended fiscal year.

SECTION 3. POWERS AND DUTIES.

The Arcadian Shores Special Tax District Commission shall have the following powers and duties:

- A.** To adopt an annual budget for the operation of the district and by which the expenditure of all funds is approved; with any increase or decrease in the assessment per lot in the tax district, being made pursuant to majority vote of the freeholders of the Special Tax District present at the annual meeting or a special meeting called for that purpose; and
- B.** To submit the annual budget to Horry County for the purpose of calculating the millage rate of levy on the property within the district necessary to provide funds to meet budgeted expenditures. Millage set shall be based upon the income necessary to meet the expenditures as outlined in the prepared budget, providing that the millage rate may not exceed thirty-five mills. If the commission fails to provide for an assessment or budget in any year, the County Auditor and Treasurer shall continue the assessment as was established for the previous year; and
- C.** Enter into contracts for general public works including but not limited to: (1) maintaining and paving roads owned by the special tax district, (2) road signage on roads owned by the special tax district, (3) road drainage of roads owned by the special tax district, (4) street lighting including maintenance of electric lights on roads owned by the special tax

district and concrete columns at entrance roads to Arcadian Shores (Arcadian Drive, Queens, and Lafayette) to the extent same are owned by the special tax district, (5) sewage collection and treatment, (6) maintenance of waters of Lake Arcadia and common areas surrounding the lake, including but not limited to shrub and tree planting and removal, lawn cutting, fish stocking, dock repair, fence repair, fertilization and re-strawing, and beach repair, (7) Lake Arcadia signage, (8) sidewalk construction and maintenance on properties owned by the special tax district, (9) public safety, including security and police protection, (10) disaster preparedness and clean up including hurricane clean up of solely common areas owned by the tax district, (11) maintenance and planting of the common areas owned by the tax district, (12) costs and expenditures of administration including office and clerical costs and the employment of the necessary professionals, or other persons or entities necessary to carry on the business of the special tax district, and (13) liability insurance, to the extent same might be necessary and to the extent same is not covered by the S.C. Insurance Reserve Fund for the roads, common areas, and Lake Arcadia area of the special tax district, as well as for the Commissioners of the special tax district.

SECTION 4. DUTIES OF THE COUNTY AUDITOR AND TREASURER.

The Auditor and Treasurer of Horry County shall be authorized to levy an assessment on each lot within the tax district and collect the assessment and arrears therefrom annually for such amounts as directed by the Commission, with said assessments to be determined as aforesaid. Any taxpayer not paying the assessment by January 15 shall be delinquent and shall be assessed a penalty as required by state law of delinquent real property taxes.

SECTION 5. METHOD OF TERMINATION OF TAX DISTRICT.

The Commission shall be allowed to petition Horry County for the Special Tax District to be dissolved upon presentation of sufficient documentation that the roads and common areas which have been maintained by the special tax district have been accepted for perpetual care and maintenance by a governmental agency or duly incorporated homeowners association with a uniform method of assessing assessments against the lots and power of collection for same. Horry County Council then must dissolve the tax district and any funds belonging to the tax district shall be paid to such persons or entities as directed by the Board of Commissioners, subject to approval of Horry County Council. Said methodology shall be in addition to the method of dissolution provided by §4-9-30(5)(e) of the South Carolina Code of Laws.

SECTION 6. SEVERABILITY.

If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby.

SECTION 7. CONFLICTING ORDINANCES REPEALED.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 8. EFFECTIVE DATE.

This ordinance shall be effective upon third reading.

EXHIBIT "A"

The Special Tax District shall be those parcels, lots of land, roadways, lake, and appurtenance thereto depicted on that certain map of Arcadian Shores Subdivision prepared by Robert L. Bellamy, C.E., recorded in Plat Book 43 at Page 8, Horry County Records, more particularly described as follows:

Commencing at a point along Kings Road at the boundary of property now or formerly of Jack Nelson and the property conveyed to Arcadian Shores Single-Family Residential Homeowners Association, Inc in Deed Book 750 at Page 345, Horry County Records, as "Common Area", lying and being on the southwest side of Kingston Road between Kings Road and the northeastern boundary of Lot 97, running approximately 40' along Kings Road to the intersection of Kingston Road and Kings Road, lessing and excepting Kingston Road; thence running approximately N 59° 00'E approximately 1020.0' from the northern intersection of Kingston Road and Kings Road to property of Now or formerly of Elsie A. Burroughs, now known as the intersection of Kings Road and Beach Club Drive now known as Hilton Road, thence turning and running mostly east-southeast along Beach Club Drive now known as Hilton Road to the intersection of Beach Club Drive now known as Hilton Road and Lake Shore Drive; thence turning and running in a basically southern direction along the boundary of the strip of land between Lake Arcadia and Lake Shore Drive and continuing to run in the same direction along the boundary between Lake Shore Drive with Lots 86, 89, 91 and 92 of Arcadian Shores and continuing to run in same direction along the boundary between Lake Shore Drive and the aforesaid "common area"; thence turning and running approximately N 31° 00'W along the boundary between lands now or formerly of Jack Nelson to the point of beginning.

Included within the boundaries of the special tax district is all real property located within the boundaries of the aforesaid description, including Lake Arcadia, common area, and all roads located therein, lessing and excepting Kingston Road, and all improved and unimproved parcels or lots of land.

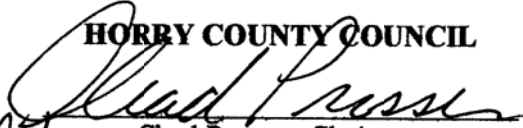
FIRST READING: February 1, 2000


SECOND READING: February 15, 2000

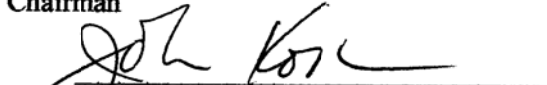
THIRD READING: March 21, 2000

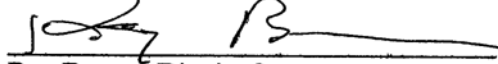
ADOPTED AND APPROVED by the governing body this 21st day of March, 2000.


HOBBY COUNTY COUNCIL



Chad Prosser, Chairman

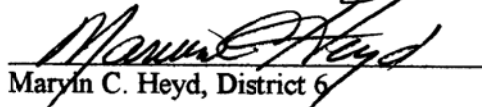

Ray Skidmore, Jr., District 1



John Kost, District 2

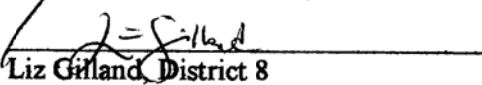

Ray Brown, District 3


Chandler Brigham, District 4

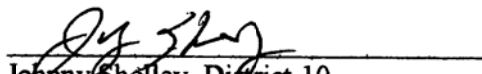

Terry B. Cooper, District 5


Marvin C. Heyd, District 6


James R. Frazier, District 7


Liz Gilland, District 8


Ulysses Dewitt, District 9


Johnny Shelley, District 10


Janice Jordan, District 11

ATTEST:

Amelia Snipes, Interim Clerk to Council